IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 13139 of 2004

Between:

Nagabandi Narsimha Rao, S/o. Eshwaraiah,
Jangaon Town and Mandal, Warangal District.

..... PETITIONER

AND

1 Authorised Officer, State Bank of Hyderabad, Warangal.
2 State Bank of Hyderabad, Warangal Branch, Rep by its Manager
3 Budda Vomprakash, S/o. Shekharaiah,
R/o. H.No. 12-5-39/1, Old Beet Bazar, Warangal.

4 Recovery Officer under Bank & Financial Institution,

State Bank of Hyderabad, JPN Road, Warangal.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction as the Hon'ble Court deems fit and proper directing the respondent No.1 to entertain the claim application filed by the petitioner before it under Clause 11 of Schedule II of the Income Tax Act R/W Rule 29 of Recovery of Debts Due to Banks and Financial Institutions Act 1992, before taking any action U/s 13 of Securitisation & Reconstruction of Financial Assets & enforcement of Security interest Act, 2002 fit and proper in the circumstances of the case and to allow the writ petition with costs.

Counsel for the Petitioner:MR.BANKATLAL MANDHANI

Counsel for the Respondents: ----

The Court at the stage of admission made the following ORDER:

In view of the law declared by this Court in ***ICICI BANK LIMITED, BANGALORE v. V.T.PRAKASH AND OTHERS*****,** the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is accorded. The writ petition is accordingly dismissed as withdrawn. However, the petitioner is at liberty to file a civil suit for establishment of his rights over the suit schedule property, which was attached for recovery of the amount due, if any, from the second respondent. No costs.

18th NOVEMBER, 2004.

Kvni

To

1 The Authorised Officer, State Bank of Hyderabad, Warangal.
2 The Manager, State Bank of Hyderabad, Warangal Branch.

3 The Recovery Officer under Bank & Financial Institution,

State Bank of Hyderabad, JPN Road, Warangal.

4 Two CD copies.